

Onyx Dkt No. 1046.ORD
USSN: 09/410,462
PATENT

Introductory Comments

I. Summary of the Notice of Non-Compliant Amendment.

In the Notice of Non-Compliant Amendment, dated 5 April 2006, the Examiner stated the following:

Continuation of 4(e) Other: 37 CFR 121(c)3 states, "Any claim added by amendment must be indicated with the status of 'new' and presented in clean version, i.e., without any underlining." in [*sic*] the instant case, new claims 29-34 have been given the proper status identifier (new); however, the new claims have not been presented in clean version, i.e., without any underlining as explicitly required by 37 CFR 1.121(c)3.

II. Overview of the Amendments.

The amendments to the claims are presented herein below (after the signature page) in the section titled "Amendments to the Claims."

The claims are amended to remove underlining originally present in claims 29-34.

Accordingly, no new matter has been added by way of this amendment and the entry thereof is respectfully requested.

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Remarks

The Notice of Non-Compliant Amendment recites the following:

Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of the above boxes 1 to 4 are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Box 4 and 4(E) of the Notice of Non-Compliant Amendment were checked by the Examiner. The amendment objected to by the Examiner was a non-final amendment filed with a submission for request for continued examination (RCE). The only section of the amendment objected to by the Examiner was the underlining of the newly added claims in the section of the amendment titled "Amendments to the Claims (including a complete listing of the claims)." Accordingly, applicants herein provide to the Examiner only the corrected section of the amendment titled "Amendments to the Claims (including a complete listing of the claims)." The page number of the corrected section remains unchanged as the claim set is most reasonably appended to applicants' amendment, dated 17 January 2006, to which this corrected section applies.

Conclusion

Applicants respectfully submit that the claims comply with the requirements of 35 U.S.C. §112 and define an invention that is patentable over the art. Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

Please direct all further communications in this application to:

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If the Examiner notes any further matters that the Examiner believes may be expedited by a telephone interview, the Examiner is requested to contact Gregory Giotta at (510) 597-6502.

Respectfully submitted,

Date: 28 Apr 2006

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